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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,612	09/15/2003	Patrick J. Coyne	0005-0005	9305
39878 7590 06/04/2007 MH2 TECHNOLOGY LAW GROUP 1951 KIDWELL DRIVE SUITE 550 TYSONS CORNER, VA 22182			EXAMINER PARDO, THUY N	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,612

Applicant(s)

COYNE ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This Office Action is Non-Final.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

Art Unit: 2165

with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-55 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-118 of copending Application No. 10/315,196. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: A system and method for managing data having different formats into a portable (i.e., common) format.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-22 and 34-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim merely sets forth an idea for compiling data per se and it does not appear to be a process, machine, manufacture, or composition of

Art Unit: 2165

matter. For instance, there is no device in the body as well as in the preamble of these apparatus claims.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 12-17, 23-28, 34-39 and 45-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodrich et al. (hereinafter "Goodrich") US Paten No. 6,516,326.

As to claim 23, Goodrich teaches the invention substantially as claimed, comprising:

a. maintaining data in a first software application in a first, ODBC-compliant format [ODBC format, col. 4, lines 60-65];

b. maintaining data in a second software application in a second format other than an ODBC-compliant format [Microsoft Access format, col. 4, lines 60-65];

c. communicating the data from said first software application to a professional services project management application through a first server [Sequential Query Language (SQL) is produced to populate the fields for all of the equipment in accordance with the previously described table formats, col. 11, lines 7-11; col. 14, lines 49-64];

d. communicating the data from said second software application to said professional services project management application through said first server means cooperating with said second server [connectivity between nodes, 302-306 of fig. 10 imports raw data from various vendors' formats into a Common Information Model (CIM), ab; col. 9, lines 17-25]; and

e. providing the data to the user through said professional services project management application [provide data (i.e., updated database through GUI to display, col. 5, lines 15-17)].

As to claims 1, Goodrich teaches the invention substantially as claimed. Goodrich further teaches said professional service practice management application further comprising an interface for communicating the data to the user [GUI, col. 9, lines 13-16].

As to claims 12, 34 and 45, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 2, Goodrich teaches the invention substantially as claimed. Goodrich further teaches that said professional services project management application comprises a shareware application [CIM, ab].

As to claim 3, Goodrich teaches the invention substantially as claimed. Goodrich further teaches that said professional services project management application comprises a Lotus Notes database [inherent in the Oracle Database, pages 1-5].

As to claim 4, Macromedia teaches the invention substantially as claimed. Macromedia further teaches an ODBC link tool means for communicating with said first software application [pages 1-6].

As to claim 5, Macromedia teaches the invention substantially as claimed. Macromedia further teaches and ODBC link tool means for communicating with said Notes database [col. 4, lines 60 to col. 5, lines 19].

As to claim 6, Goodrich teaches the invention substantially as claimed. Goodrich further teaches that said ODBC link tool comprises a Notes Distributed Enterprise Connectivity System [ab; col. 4, lines 60 to col. 5, lines 19; 300-310 of fig. 10].

As to claims 13-15, 24-28, 35-39 and 46-50, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2165

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-11, 18-22, 29-33, 40-44 and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodrich et al. (hereinafter "Goodrich") US Paten No. 6,516,326.

As to claim 7, Goodrich teaches the invention substantially as claimed, with the that said first software application is adapted to maintain data selected from the group consisting of: docketing, word processing, Notes database, document management, email, records, forms, workflow, conflicts, expense, budgeting, risk management, project management, database, imaging, and reporting data. However, this is only a matter of a design choice. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add this feature to the Goodrich's system as an essential means to increase the adaptability of computer networks system.

As to claims 8-11, Goodrich teaches the invention substantially as claimed, with the exception that said second software application is adapted to maintain data selected from the group consisting of: accounting, time, billing, expense, cost, and budgeting data, accounting data, or a TMC accounting system. However, this is only a matter of a design choice. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add this feature to the Goodrich's system as an essential means to increase the adaptability of computer networks into the accounting system.

As to claims 18-22, 29-33, 40-44 and 51-55, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Response to Arguments

6. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217.

May 31, 2007



THUY PARDO
PRIMARY EXAMINER